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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217630
Party	Defendant Hansen, Gary, St. Martin
Correspondence Address	HANSEN, GARY, ST. MARTIN 10079 NE VALLEY RD BAINBRIDGE ISLAND, WA 98110-4309  stdrumr@Gmail.om
Submission	Answer
Filer's Name	Gary St. Martin Hansen
Filer's e-mail	stdrums@gmail.com
Signature	/Gary St. Martin Hansen/
Date	09/04/2014
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of U.S. Trademark Application

Serial No. 86/112,261

Mark: IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND, 'TILL YOU  
BEEN HERE!

Filed: November 6, 2013

Published: April 1, 2014

Sturgis Motorcycle Rally Inc.	)	
	)	
Opposer,	)	
	)	
v.	)	<u>Opposition No.: 91217630</u>
	)	
Gary St. Martin Hansen	)	<u>Application No.: 86112261</u>
	)	
Applicant,	)	
	)	

Registration No.:861122

Mark:

IT'S A BLACK HILLS THING! YOU WOULDN'T UNDERSTAND,  
'TILL YOU BEEN HERE!

ANSWER TO NOTICE OF OPPOSITION

OPPOSER'S REGISTRATION NO. 3955170

Gary St. Martin Hansen ("Applicant") answers Sturgis Motorcycle Rally Inc. ("Opposer")

Notice of Opposition as follows:

1. Applicant admits that Opposer owns U.S. Trademark Registration No. 3955170

for Black Hills, in connection with The " Sturgis Motorcycle Rally ". the yearly  
event held in Sturgis, South Dakota.

But, also admits that, on record, a previous Mark found in the USPTO TSDR

Trademark search engine : Black Hills, registered November 29, 1955, U.S Reg. 0616703, that is live, it's present owner being Amcol International Corp, Chicago Ill. in addition to some 34 other various Black Hills trademarks registered as "Black Hills", or "Black Hills," included in their trademark names as well. Pending litigation, there is also a scheduled cancellation on the trademark "Black Hills," owned by Sturgis Motorcycle Rally Inc.

2. The allegation is denied. While Sturgis Motorcycle Rally Inc. has used the words Black Hills, a Lakota Sioux Nation name long established in their oral tradition and the Lakota Sioux language, the name "Black Hills," "Paha' Sa'pa," and in the Cheyenne language "Mo'onta-vo' hana' aeva" translates "Black Hills." as documented in the 1868 U. S. Fort Laramie Treaty with the Cheyenne Nation.

The allegations of adoption and continual use are further denied in light that the trademark "Black Hills," was not registered, having been filed January 20, 2001, opposed September 3, 2002, and not receive U. S. Trademark Registration until March 12, 2013. The name in question, "Black Hills," of course, has been public domain used on maps, books, music and local businesses etc since the early 1800's.

3. The allegation is denied where as the Opposer, and it's licensee, the City of Sturgis, South Dakota, have any special rights to "The Sturgis Motorcycle Rally," which was started by the Jackpine Gypsies Motorcycle Club in 1938, "because of their goodwill, and philanthropic work, and their relationship with the City of Sturgis, does not bestow Sturgis Motorcycle Rally Inc. the right to exclude product sales and oppose dozens of trademarks, and bring law suits against those who use the words "Black Hills" in their Mark, or, in their businesses etc. this, being unconstitutional, 1<sup>st</sup> Amendment etc, and the second being the existence the previous mention of the 1955 Mark, U.S Reg. 0616703, "Black Hills" live to date.

4. The allegation that Sturgis Motorcycle Rally Inc. has gained common law rights to the name Black Hills is only liken unto one who would somehow be granted the trademark

“The United States of America.” and thus, gained the common law rights from having used, written, lived with, and done great things with that trademark. If “That is absurd”, is acceptable in the process of responding to the filed opposition, then that shall be my answer.

5. It may be that I clicked the goods and services buttons for reasons of the chance that should in the future there became a demand, I might prosper. Sturgis Motorcycle Rally Inc. is a non profit organization, as Dean Kinney explained to me when he spoke to me on the phone, a non- profit. Organization, which generally implies that they can sue you, but you can not sue them. I told Dean Kinney, that because they were non-profit organization, they could freely use my trademark free of licensing fee,, which of course, would give credence to my book, and song, which is presently on iTunes, the book by the same title as my trademark available soon on Amazon, etc. A few days later Sturgis Motorcycle Rally Inc. attorney, Jason Sneed, filed their first “ext time to oppose,” of which they filed three, then the “opposition” was ultimately filed. I called Jason Sneed twice today, 9/2/2014, and said on his voice mail that I would agree to amending my Goods and Services to NO GOODS AND SERVICES, and would have told Jason Sneed this with the exception that I would reserve the right to sell my book anywhere in South Dakota, or where ever.

I have not receive a return call from Jason Sneed.

I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5. a I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.b I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.c I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.d I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

5.e I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6. Let me respond to the Goods and Services , International Class etc.

I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.a I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.b I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.c I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

6.d I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

And so, if Jason Sneed, or, Sturgis Motorcycle Rally Inc. would have agreed to withdrawing the Opposition to my trademark, I would have amended the goods and services accordingly, thus allowing my trademark to go forth, as I do fully realize that “It’s a Black hills Thing!” is a very catchy and marketable slogan, and this was the reason for the trademark, to protect the phrase, “ IT’S A BLACK HILLS THING! YOU WOULDN’T UNDERSTAND, ‘TILL YOU BEEN HERE! ... not so I could sell tee shirts in Sturgis.

7. I believe this allegation may be true for the time being, but the trademark should not have been registered to Sturgis Motorcycle Rally Inc because of the existing Black Hills trademark held by U.S Reg. No. 0616703 that was then and is still live to this date, and in effect since November 29, 1955, owned at the time by Alcom International when somehow Sturgis Motorcycle Rally Inc. received their trademark of the same name by the USPTO in 2013.

8. This allegation of “slogan messages” , and “imprinting messages”, is so far reaching that it, once again, can only be described as absurd and ludicrous.

9. This allegation is really the pot calling the kettle black. Opposer lists his trademark, and the words that are contained ... I see in the USPTO search these words over and over, Black Hills, Classic, Motor, etc. I only see two words contained in my trademark that is contained in their they have in their trademarks including the "Black Hills" Mark ... which could not cause any more than an inter-state sign that says " BLACK HILLS " is going to be confused with a biker style " Black Hills" tee shirt from Surgis.

10. I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

11. I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

12. I AM NOT GOING TO BE SELLING ANYTHING EXCEPT MY BOOK.

13. If my answers seem redundant, it is because the Opposer's assertions are thus.

14. It has never been in my master plan, including the filing of my trademark, to confuse, deceive, send messages, or damage, directly or indirectly, Sturgis Motorcycle Rally Inc., a non-profit organization, directly or indirectly, through the sale of merchandise, or otherwise.

WHEREFORE, the Applicant's " It's a Black Hills Thing ... you wouldn't understand til you been here," requests that you reject Sturgis Motorcycle Rally Inc. filed Opposition to the Applicants filed trademark, " It's a Black Hills Thing ... you wouldn't understand til you been here." And that this Applicant's Answer be found in favor of the Applicant.

Dated September 2, 2014

Respectfully Submitted,



Gary St. Martin Hansen

Gary St. Martin Hansen  
399 Lower Main West  
Johnson, Vermont 05656  
Tel: 206-319-8158  
[stdrumr@gmail.com](mailto:stdrumr@gmail.com)  
Representing the Applicant.

CERTIFICATE of FILING

The undersigned certifies that this correspondence is being filed via electronic means by filing with the Electronic System for Trademark Trials and Appeals.

Representing the Applicant

Date of Signature: September 4, 2014

CERTIFICATE of SERVICE

The undersigned representative and Applicant certifies that a copy of the foregoing Answer to Notice of Opposition was served by placing a copy in U.S Mail, postage, prepaid, this day of September 4, 2014 and addressed to the following:

Jason Sneed Esq.  
610 Jetton Suit 120-107  
Davidson, North Carolina, 28036  
Tel: 704-779-3611  
JSneed@SneedLegal.com  
Attorney for Opposer, Sturgis Motorcycle  
Rally Inc.